

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ARMEN PALIKYAN,
 HAGOB PALIKYAN,
 ARMEN AMBARTSUMYAN,
 GARY AMBARTSUMYAN,
 VAKHTANG GASPARIAN,
 ARTUR AMBARTSUMYAN,
 IYAD NAZZAL, and
 DANIMYAR DOSUNKULOV,

Defendants.

Case No. 2:08-cr-00311-RLH-GWF

ORDER
and RECOMMENDATIONS

This matter is before the Court on Defendant Danimyar Dosunkulov's Motion for Joinder in Defendants Hagob Palikyan and Armen Palikyan's Joint Motion to Dismiss All Counts for Investigative Misconduct Resulting in a Due Process Violation (Dkt. #220) and Defendant Dosunkulov's Motion for Joinder in Defendants Hagob Palikyan and Armen Palikyan's Joint Motion to Dismiss Counts Four Through Nine of the Indictment and All Allegations Related to the Aggravated Identity Theft Penalty Enhancement (Dkt. #221), filed February 23, 2010.

To date, no party has opposed the present motions and the time for opposition has expired. As a result, the Court will grant the motions for joinder. However, the District Judge previously denied Defendant's Motion to Dismiss All Counts for Investigative Misconduct Resulting in a Due Process Violation (Dkt. #75) based on the Findings and Recommendations of the Court. (See Dkt. #s 95, 133). Therefore, the Court recommends that Defendant Dosunkulov's Motion to Dismiss All Counts for Investigative Misconduct Resulting in a Due Process Violation pursuant to Joinder

1 be denied on the same basis. (See Dkt. #95). Accordingly,

2 **IT IS HEREBY ORDERED** that Defendant Danimyar Dosunkulov's Motion for Joinder
3 in Defendants Hagob Palikyan and Armen Palikyan's Joint Motion to Dismiss All Counts for
4 Investigative Misconduct Resulting in a Due Process Violation (Dkt. #220) is **granted**.

5 **IT IS FURTHER ORDERED** that Defendant Dosunkulov's Motion for Joinder in
6 Defendants Hagob Palikyan's and Armen Palikyan's Joint Motion to Dismiss Counts Four
7 Through Nine of the Indictment and All Allegations Related to the Aggravated Identity Theft
8 Penalty Enhancement (Dkt. #221) is **granted**.

9 **RECOMMENDATION**

10 **IT IS HEREBY RECOMMENDED** that Defendant Dosunkulov's Motion to Dismiss All
11 Counts For Investigative Misconduct Resulting in a Due Process Violation pursuant to Joinder be
12 **denied**.

13 **NOTICE**

14 Pursuant to Local Rule IB 3-2, any objection to this Finding and Recommendation must be
15 in writing and filed with the Clerk of the Court within ten (10) days. The Supreme Court has held
16 that the courts of appeal may determine that an appeal has been waived due to the failure to file
17 objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has
18 also held that (1) failure to file objections within the specified time and (2) failure to properly
19 address and brief the objectionable issues waives the right to appeal the District Court's order
20 and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153,
21 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

22 DATED this 17th day of March, 2010.

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25 **GEORGE FOLEY, JR.**
26 **United States Magistrate Judge**
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